

Examples include:

- a. Any incident where the use of emergency lights constitutes a necessary warning for the safety of life (such as scenes of fires, accidents or disasters).
- b. As a visual signal to attract the attention of motorists stopped for traffic violations, or to warn motorists of imminent dangers.
- c. Responding to a non-Code 3, where the officer has previous or additional information which, had the dispatcher known it, would have resulted in the call being dispatched as Code 3.
- d. Where because of location, distance to be traveled, or traffic conditions, the officer determines that emergency operating conditions are essential in order to provide an appropriate police response.
- e. In response to an officer's emergency request for assistance.
- f. For pursuit, see section XVIII

4. Use of emergency warning devices in non-emergencies:

1. Officers shall activate emergency equipment to notify drivers that they must stop and to provide a safe environment for the driver, officer, and the public.
2. Officers may activate emergency equipment in non-emergencies when expediency is required to eliminate a potential hazard to the public or other officers, such as using emergency lights to protect disabled motorists or when department vehicles are used as protective barriers.

XVIII. PURSUIT POLICY

A. DEFINITIONS

The following definitions apply for the purpose expressed in this policy:

1. Pursuit

An active attempt by one or more police officers to apprehend a suspect operating a motor vehicle while the suspect is trying to avoid capture by using high speed driving or other evasive tactics such as driving off a highway, making sudden or unexpected movements, or maintaining legal speed but willfully failing to yield to the officer's signal to stop.

2. Violent Felony

A felony that involves an actual or threatened attack which the officer has reasonable cause to believe could result or has resulted in death or serious bodily injury (e.g., aggravated assault, aggravated battery, rape, armed robbery, murder).

3. **Roadblock**

Any method, restricting, or obstruction utilized or intended for the purpose of preventing free passage of motor vehicles on a highway in order to affect the apprehension of an actual or suspected violator in a motor vehicle.

4. **Primary Pursuing Unit**

The police unit that initiates a pursuit, or any unit that assumes control of the pursuit.

B. POLICY

All emergency vehicle operations shall be conducted in strict accordance with existing statutes. Officers engaged in emergency vehicle operations shall utilize both audible and visual (emergency lights) emergency warning equipment when engaged in a pursuit.

All personnel operating departmental vehicles shall exercise due regard for the safety of all persons. No assignment shall be of such importance, and no task shall be expedited with such emphasis, that the principles of safety become secondary. There are no tasks in the Department of such importance that they justify the reckless disregard of the safety of innocent persons. Pursuit studies show that 30% end in crashes, 15% in injuries and 3% in death. Departmental personnel will be held strictly accountable for the consequences of their reckless disregard for the safety of others.

C. Procedures

1. **Pursuit is justified only when:**

aa. The officer knows or has reasonable grounds to believe the suspect presents a clear and immediate threat to the safety of other motorists and/or pedestrians. The officer must have knowledge of immediate threat to the safety of others that is ongoing and that existed prior to the high speed pursuit.

bb. Has committed or is attempting to commit a violent felony;

2. **Initiating/Primary Officer Responsibilities:**

aa. The responsibility for the decision to initiate hot pursuit rests with the individual officer. Officers shall only pursue person(s) on probable cause that the fleeing person(s) have committed a violent felony or the suspect presents a clear and immediate threat to the safety of the motorists and/or

pedestrians. The officer's primary responsibility in a pursuit is the safe operation of the vehicle. **Only marked vehicles with emergency equipment shall pursue.** The officer initiating a pursuit shall, in all cases, notify the Communications Center as soon as reasonably possible that a pursuit is underway and provide the following information, if known:

1. Police unit identification;
2. Location, speed and direction of travel;
3. Vehicle description and license number;
4. The specific reason for the pursuit, including known laws violated;
5. Number of occupants;
6. Traffic and weather conditions.

- bb. Failure to provide the above information may be cause for the patrol supervisor to order termination of the pursuit.
- cc. The initiating or primary unit shall be in field command and bears operational responsibilities for the pursuit unless relieved by a supervisor.
- dd. The authority of the primary unit pertains to the immediate field operation and is, at all times, subordinate to the command of the patrol supervisor.
- ee. The primary unit may maintain pursuit as long as it is safe to do so, or until directed to terminate the pursuit by a supervisor, or the suspect is stopped.
- ff. The decision to abandon pursuit may be the most prudent course of action. Officers must continually question whether the seriousness of the crime justifies continuing the pursuit. A pursuit shall be terminated under any of the following circumstances:
 1. If, in the opinion of the pursuing officer or the patrol supervisor there is a clear and unreasonable danger to the officer and other users of the highway created by the pursuit that outweighs the necessity for immediate apprehension.
 2. The suspect's identity has been established to the point that later apprehension can be accomplished, and there is no longer any need for immediate apprehension.
 3. The prevailing traffic, roadway and environmental conditions indicate the futility of continued hot pursuit.
 4. The pursued vehicle's location is no longer known.
 5. The termination of a pursuit does not prohibit the following of a vehicle at the posted speed limit or remaining in an area to reinitiate pursuit, if the opportunity and conditions permit.

3. Communications Center Responsibilities

- aa. Receive and record all incoming information on the pursuit and the pursued vehicle.

- bb. Immediately notify all on-duty supervisors when a pursuit is initiated. (Notify the patrol Lieutenant as soon as practical)
- cc. Clear radio channel of any unnecessary traffic.
- dd. Perform relevant record and motor vehicle checks.
- ee. Control all radio communications during the pursuit.
- ff. coordinate assistance under the direction of the patrol supervisor.
- gg. continue to monitor the pursuit until it has been terminated.

4. **Supervisor Responsibilities:**

- 1. The on-duty patrol supervisor shall monitor the pursuit and respond Code 2 to the location of the stopped suspect. **The supervisor may end the pursuit at any time that he or she feels circumstances warrant.**
- 2. The on-duty supervisor shall monitor the pursuit by ensuring compliance with department policy, directing officers to join or abandon pursuit, of redesignating primary and support pursuing vehicles if necessary, approving or ordering pursuit tactics, and terminating the pursuit.
- 3. No more than two police vehicles may pursue a fleeing suspect without the specific authorization of the on-duty supervisor. In authorizing additional police vehicles to pursue, the supervisor shall consider:
 - a. the nature of the offense;
 - b. the number of suspects;
 - c. the number of officers currently participating as primary or support vehicles;
 - d. any injuries or property damage already sustained as a result of the pursuit; or
 - e. any other clear, articulated facts that would justify the assignment of additional police vehicles.
- 4. The supervisor shall critique the pursuit with all of the officers involved and direct participants to submit reports.
- 5. The on-duty supervisor at the time the pursuit was begun will retain authority over the pursuing officers of the department for the duration of the pursuit.
- 6. The supervisor may direct the use of tire-deflation devices, as appropriate (if available).

5. Supporting officers' responsibilities:

1. Assistance will be coordinated by the Communications Center under the direction of the on-duty supervisor. The on-duty supervisor and primary unit will be advised of the identity and location of backup units who can assist.
2. The active pursuit will normally involve not more than two unit:
 1. The primary unit
 2. One backup unit
3. Normally the first back-up unit to respond shall help the primary officer in pursuing the suspect and making the arrest. The secondary pursuing officer is responsible for broadcasting the progress of the pursuit and controlling the pursuit tactics. The primary officer must also alert other officers of the probable route of travel. By handling these communications responsibilities, the primary officer can focus attention on the pursuit driving.
4. Tire-deflation devices may be deemed appropriate (if available) to stop a pursuit and may be set up by supporting officers. These devices shall be used only by officers trained in their use **and** only under the direct authorization of the on-duty supervisor.
5. Tire deflation devices will be assigned and stored in the trunk of every marked patrol car. The "stop stick" will be pre-loaded in the black nylon sleeve with the cord reel stored in the storage position.

tire inflation devices will only be used on cars or trucks and are not to be used to stop motorcycles or all terrain vehicles.

tire deflation devices shall only be used in conjunction with a stationary roadblock.

the decision to deploy the tire deflation devices during a pursuit will be made by the on-duty supervisor only after considering the following:

- the safety of the officers.
- The risk of physical injury to the occupants of the pursued vehicle.
- The protection of the citizens and their property.

It is imperative that all officers involved in the pursuit are aware Of the exact location of the deployed tire deflation device, so they can slow in time to allow removal of the device after the suspect vehicle has crossed it. Measures should be taken to divert other traffic from the area to prevent unnecessary damage to other vehicles.

The officer who deploys the tire deflation device should remove it immediately after the suspect vehicle crosses it. The suspect vehicle will be slowing rapidly and the pursuing officers should be prepared to take evasive action to avoid contact with the suspects vehicle.

6. Rules of pursuits:

1. Officers shall not use their vehicles to ram, bump, or collide with a suspect vehicle, to force a vehicle off the road or in a ditch. Nor shall officers pull alongside such vehicles in an attempt to force them off the road or into an obstacle.
2. Boxing-in shall be performed **only** with the direct authorization of the on-duty supervisor and then **only** if the participating officers have been trained in the technique.
3. Caravanning is prohibited.
4. Officers shall not fire their weapons from a moving police vehicle. Department policy on the Use of Deadly Force shall be adhered to during the pursuit.
5. Reckless or hazardous driving maneuvers shall not be duplicated by any pursuing vehicle.
6. There shall be no attempt by officers to pass other field units involved in the pursuit unless the passing officer received specific permission from the on-duty supervisor.
7. **No more than two police vehicles will become actively involved in a pursuit, unless specifically directed otherwise by the patrol supervisor. Other officers should be alert to the pursuit progress and location.**
8. Officers operating unmarked vehicles (provided the vehicle is equipped with emergency lights and siren) may engage in hot pursuit only when the fleeing vehicle presents an immediate and direct threat to life or property. Whenever a marked vehicle becomes available to take over the pursuit, the unmarked vehicle will withdraw from active pursuit and serve in a support role.
9. Should the person(s) attempting to avoid apprehension stop the fleeing vehicle and proceed on foot, the officer shall stop, give his or her location, and continue efforts to apprehend on foot. Support police vehicles shall be dispatched in close proximity to offer assistance.
10. If the on-duty supervisor orders the pursuit to end, then the primary and supporting pursuing officers shall cease immediately. Also, the pursuing officer(s) shall end the pursuit if at any time during the course of the pursuit he or she loses sight of the fleeing vehicle for more than a few seconds.
11. **Officer shall not pursue suspects the wrong way on divided roadways unless specifically authorized by the on-duty supervisor.**
12. The use of a stationary roadblock shall be authorized only by the Commander or the Chief of Police. In the absence of the Commander or the Chief of Police, the senior patrol supervisor must directly authorize this measure. Generally, a roadblock will be employed only as a last resort. The decision to erect a roadblock must consider:

- a. the safety of officers;
- b. the risk of physical injury to the occupants of the pursued vehicle;
- c. the protection of citizens and their property.

13. Roadblocks must be clearly visible at a distance sufficient to enable approaching vehicles to stop safely. The roadway shall not be completely blocked unless the use of deadly force would be authorized. The officer in charge of the roadblock shall notify the Communications Specialist of its precise location. All participating officers must be aware of the roadblock and have acknowledged this awareness before it is constructed. Further, no personnel shall remain in blocked vehicles, and an avenue of escape shall be provided.

14. Officers, when accompanied by civilian passengers, shall not pursue. If a civilian is in the police vehicle at the beginning of a pursuit, that officer shall turn the pursuit over to another officer, or deposit the civilian at an appropriate, safe location.

15. When two vehicles are involved in pursuit, each unit shall maintain a safe distance especially when passing through intersections. Each unit involved in the pursuit shall use a different siren-sound selection, if circumstances and safety permit. The use of different siren sound combinations can help the primary and secondary vehicles hear one another and alert motorists and bystanders that two vehicles are operating under emergency conditions.

16. In case of pursuit, should the suspect drive in a direction opposite to the flow of traffic, the pursuing officer shall not follow the suspect but instead transmit via radio detailed observations about the suspect vehicle's location, speed, and direction of travel.

17. Officers involved in a pursuit shall not try to overtake or pass the suspect's vehicle.

18. Extreme caution must be used whenever officers disregard traffic signs or signals, even though statutes specifically permit such conduct. Officers shall make use of all available warning devices to alert other motorists and pedestrians.

7. Inter-jurisdictional Pursuits

- aa. The Communications Center, with the approval of the patrol supervisor, will notify outside agencies if this Department is in pursuit in their jurisdiction.
- bb. Officers shall not become involved in another agency's pursuit unless specifically authorized by the patrol supervisor or it is clearly demonstrated that a unit from an outside agency is unable to request assistance, or the emergency nature of the situation dictates the need for assistance. In these instances, all departmental pursuit policies are in effect.

8. Overtaking/Pursuit of violators

The responsibility for the decision to overtake rests with the individual officer. In arriving at this decision he/she must carefully consider all factors involved, including the seriousness of the offense, the possible consequences and most importantly, the safety of the general public. In order to diminish the likelihood of a pursuit, officers intending to stop a vehicle should, when practical, be within a close proximity to the vehicle prior to activating the emergency lights and siren.

During the course of enforcement activities, specific incidents may escalate from routine overtaking situations if the suspect attempts to evade apprehension. If this occurs, applicable pursuit policy and procedures apply.

9. Crashes during pursuits

1. Generally, if an officer is involved in a traffic crash during the course of a pursuit, the officer will terminate his/her part in the pursuit.
2. The on-duty supervisor will make the determination, as to whether the pursuit is terminated or continued with the back up officer moving up to primary officer.
3. The on-duty supervisor will insure that the crash involving the primary unit is investigated.

10. Pursuits outside City limits

1. No pursuits shall be continued outside the city limits unless authorized by the on-duty patrol supervisor and if approved, shall be conducted according to this order. The Communications Specialist shall notify the appropriate jurisdiction of the pursuit and request help.
2. Once the pursuit has entered another jurisdiction, if officers from it enter the pursuit, department officers shall cease their emergency driving, turn off emergency equipment, and follow the pursuit while observing all posted speed limits and traffic control devices.
3. If officers from another jurisdiction pursue a suspect into ours, department officers shall enter the pursuit **only** if the other agency specifically requests help **and** the pursuit is for a violent felony **and** the on-duty supervisor approves our participation. Any non-pursuit assistance (including apprehension of a stopped suspect) may be provided as the circumstances dictate.
4. When the fleeing suspect is apprehended in another jurisdiction, the pursuing officer shall take the arrested person before a judicial officer of that jurisdiction. The officers shall then go before the local municipal, magistrate, or district judge to obtain a warrant and ensure that a teletype is sent via teletype to the apprehending jurisdiction as soon as possible, acting as a detainer.
5. When a fleeing suspect from another jurisdiction is apprehended within the City of

Belen, the apprehending officer shall take the arrested person before the local municipal, magistrate or district judge (determination to be made by the on-duty supervisor). The on-duty supervisor shall confer with the other jurisdiction to determine which shall maintain custody of the suspect based upon the seriousness of the charges and the likelihood of release by respective jurisdiction.

11. Terminating Pursuits

A. This general order has noted the necessity for a pursuing officer to continuously evaluate the risks and goal of a pursuit. Under some conditions, abandoning a pursuit may prove the most intelligent decision the officer can make.

1. In continuously evaluating the pursuit, the pursuing officers shall consider whether the suspect has been identified and can safely be apprehended at another time or under other circumstances, and the prevailing traffic, roadway, and environmental conditions. Officers shall also consider their own mental and physical state and the mechanical condition of their pursuit vehicle.
2. Discontinuing a pursuit does not mean that the officer cannot follow the vehicle at the posted speed limit, or remain in the area ready to resume the pursuit if the opportunity presents and circumstances warrant. Officers, when pursuing, shall resist the temptation to follow the suspect too closely and instead follow the violator and allow him or her to make the driving mistakes. **No officer can be disciplined for discontinuing a pursuit.**

B. Officers **shall discontinue** a pursuit when:

1. the on-duty supervisor orders it; or
2. the pursuing vehicle experiences an equipment or mechanical failure that renders the vehicle unsafe for emergency driving;
or
3. the pursued vehicle has outdistanced the pursuing officer such that its location is not known; or
4. a person has been injured during the pursuit and no medical or police personnel are able to provide help; or
5. the pursuing officer perceives a clear, unreasonable danger to officers, the fleeing suspect, or the public, and the danger created by continuing the pursuit outweighs the value of apprehending the suspect at the time.

12. Follow-up Requirements

A. The on-duty supervisor shall ensure that all participating officers document their involvement in the pursuit. The supervisor shall prepare a summary report which

includes:

1. the names of participating officers;
2. a narrative description of where the pursuit began and under what circumstances, where it ended and under what circumstances, and the duration of the pursuit;
3. a description of the tactics used to stop the suspect's vehicle and an evaluation of their effectiveness;
4. any observations on the behavior or actions of the fleeing driver that may support additional criminal charges;
5. a description of how the suspect was apprehended, and the force-measures employed;
6. a description of property damaged or an account of injuries sustained during the pursuit or death, or the use of deadly force is initiated, all involved officers will submit applicable reports to the Chief of Police through the chain of command;
7. the offenses for which the suspect was charged; and
8. **A review of any pursuit will be conducted by the division commander as soon as possible. The review will be completed by analyzing all available information. The purpose of such review is to determine any additional or supplemental training needs or policy review.**

XIX. AGGRAVATED FLEEING A LAW ENFORCEMENT OFFICER

1. Aggravated fleeing a law enforcement officer consists of a person willfully and carelessly driving his vehicle in a manner that endangers the life of another person after being given a visual or audible signal to stop, whether by hand, voice, emergency light, flashing light, siren or other signal, by a uniformed law enforcement officer in an appropriately marked law enforcement vehicle in pursuit in accordance with the provisions of the Law Enforcement Safe Pursuit Act.
2. Whoever commits aggravated fleeing a law enforcement officer is guilty of a fourth degree felony.

XX. TRAFFIC ENFORCEMENT

- A. Local government employees, including City of Belen employees, are not exempt from traffic laws even when the employee is operating a city vehicle.
- B. When an officer observes a traffic violation, the officer has the discretion to take one of these actions: